

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-19-202
)	
Plaintiff,)	Missoula County District Court
)	Montana Fourth Judicial District
)	
-vs-)	DECISION
)	
JEROLD TIMOTHY WELLER,)	
Defendant.)	

On April 24, 2019, the Defendant was sentenced as follows: Count I: Three (3) years to the Montana State Prison, for the offense of Forgery – 1st Offense, a Felony, in violation of §45-6-325, MCA; Count II: Ten (10) years to the Montana State Prison, for the offense of Identity Theft – First Offense, a Felony, in violation of §45-6-332, MCA; and Count III: Five (5) years to the Department of Corrections, all time suspended, for the offense of Theft of Property Exceeding \$5,000 or Common Scheme, a Felony, in violation of §45-6-301, MCA. The sentence on Counts I and II were ordered to run concurrently with each other and with the Sentence imposed on Lake County case DC-17-350. Count III was ordered to run consecutively to the sentence imposed on Counts I and II. The Court granted credit for time served in the amount of 138 days. The Court recommended that the Department of Corrections and/or Parole Board consider placing Defendant at Nexus once he surpasses 120 days of clear conduct, followed by the appropriate step-down treatment and supervision through Adult Probation and Parole.

On November 8, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Crossroads Correctional Center and was represented by John Ferguson, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.


Done in open Court this 8th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Jerold Timothy Weller #3026375, Defendant (2)
Hon. John Larson
John J. Ferguson, Defense Counsel
Brittany Lynn Williams, Esq..
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division